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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,608	04/16/2001	Betsy J. Stewart	70017410-0002	7064

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EXAMINER

STERRETT, JONATHAN G

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,608

Applicant(s)

STEWART ET AL.

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Summary

1. Claims 1-14 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuerst US 6,189,029.

Regarding Claim 1, Fuerst discloses:

providing a browsable Web site accessible by said participant through communications link (column 4 line 19, webpage provided on internet);

initiating an electronic survey when said participant accesses said Web site, said survey including a series of Web pages (column 4 line 19-20 survey posted on webpage),

allowing said participant to interact with said Web pages through multimedia tools (column 1 line 22-24, http displays information in multimedia format that is accessible through a browser such as Netscape Navigator™);

generating data based upon each of said interactions with said Web pages (column 7 line 44-46 user answers questions and submits results);

ending said survey (column 7 line 45, survey ends when user answers questions and submits results), and

storing said data in an electronic file after ending said survey (column 7 line 50, answers stored in value field of table).

Regarding Claim 2, Fuerst discloses wherein said multimedia tools includes a slider scale response (column 6 line 37-38, scaled response), a multiple response interactive checkbox (column 6 line 35-36, multiple choice answer type), and other question types (column 6 line 44-46, other types of questions may be displayed on web page survey other than types listed)

Regarding Claim 3, Fuerst discloses: wherein said electronic survey further comprises a customized frame set having a main frame for displaying said series of Web pages and a hidden frame for storing said score from each said Web page until said participant completes said electronic survey (column 1 line 26-27, this functionality is inherent in Netscape Navigator™).

Regarding Claim 4, Fuerst discloses: an outer layer applied to each said Web page to prevent said participant from interacting with the survey until each said Web page is fully loaded on the Web site (column 1 line 26-27, this functionality is inherent in Java™scripts provided by Netscape Navigator™; column 9 line 33, interface screens provided by Java programming language).

Regarding Claim 5, Fuerst discloses: wherein said outer layer is the same color as a background color of each said Web page (column 1 line 26-27, this functionality is

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inherent in Java™ and Netscape Navigator™; column 9 line 33, interface screens provided by Java programming language).

Claims 6-13 recite limitations already addressed by the rejection of Claims 1-5 above, therefore the same rejection applies.

Regarding Claim 14, Fuerst discloses wherein said electronic survey further includes additional stimuli perceivable by the user (column 6 line 44-46, other question types possible including providing additional stimuli perceivable by user).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon-Murname's Feb 1999 article "Evaluating Net Evaluators" discloses various online website evaluations.

Chen et al.s Sept 1999 article "Attitude toward the Site" proposes a framework for website evaluation.

US 6,093,026 by Walker discloses a method and apparatus for administering a survey.

US 6,236,975 by Boe discloses a system and method for profiling customers online for targeted marketing.

US 6,754,635 by Hamlin discloses a method and apparatus for automating the conduct of surveys over a network.

US 6,549,890 by Mundell discloses an interactive computer system and data analysis method.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 12-24-04


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